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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,058	02/11/2004	Wen-Hua Ju	3655/0241PUS1	2122
47827 7590 07/16/2007 MCGRATH, GEISSLER, OLDS & RICHARDSON, PLLC PO BOX 1364 FAIRFAX, VA 22038-1364			EXAMINER PEREZ, JULIO R	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,058	Applicant(s) JU ET AL.	
	Examiner Julio R. Perez	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 13-16, 24-27 is/are rejected.
- 7) ☒ Claim(s) 4-12 and 17-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 13, 16, 24- 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avery (2004/0038677) in view of de Verteuil (US 7,035,647).

Regarding claims 1, 3, 16, Avery discloses an apparatus comprising: a first signal monitor for measuring (Figure 1, # NIU1): the signal strength at said first signal monitor of a first packet transmitted by an emitter (Figure 1, #'s 1, M1, Par. 6, lines 1-20 discloses the interrogating station acquiring signal strength from radio units, which read on receiving signal strength transmitted by an emitter, i.e., radio units); and (ii) the signal strength at said first signal monitor of a second packet transmitted by a wireless terminal (Figure 1, TS1, Par. 6, lines 8-26, Par. 20, disclose the mobile unit,, TS1, providing signal strength and identity to the interrogating device NIU1); and a processor for: and (b) determining the location of said wireless terminal based on signal strength from the emitter, (ii), and the location of said emitter (Par. 6, lines 1-20, pars. 20-21).

With further regard to claim 16, Avery discloses a second signal monitor (NU2) for making a second plurality of signal measurements Par. 6, lines 1-20,

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wherein said second plurality is associated with a plurality of signal sources (M1-M3) that comprise said emitter (TS1, Par. 6, lines 8-26, Par. 20).

What Avery does not specifically disclose is receiving the location of said emitter. However, De Verteuil teaches providing Cell ID information to an immediate platform for location means (col. 3, lines 41-62-col. 4, lines 6-16).

It would have been obvious to one skilled in the art at the time of the invention to modify Avery, such that the emitter location is known, to provide a more accurate position of the wireless terminal.

Regarding claim 2, the combination of Avery and De Verteuil discloses the emitter for transmitting over a wireless medium said first packet wherein said first packet comprises information related to the location of said emitter (De Verteuil, col. 3, lines 41-62-col. 4, lines 6-16).

Regarding claims 13, 25, the combination of Avery and De Verteuil discloses wherein said emitter is stationary (Avery, Figure 1, M1, 10).

Regarding claim 24, the combination of Avery and De Verteuil discloses wherein an access point is collocated with said first signal monitor (Avery, Figure 1, M1-M3, TS1).

3. Claims 14, 15, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avery in view of de Morioka et al. US 206/0112272 (hereinafter Morioka).

Regarding claims 14, 15, 26, 27, Avery discloses claim 1, but is silent on wherein information related to the location of the emitter relates to the medium access control address and coordinates of the emitter.

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Morioka teaches a sending apparatus with management information for providing media access control address to a receiving device located remotely (page 8, par. 165, lines 1-7).

It would have been obvious to one skilled in the art at the time of the invention to modify Avery, such that the information related to location included MACA, to provide correct authentication and precise location of the device.

With further regard to claims 15/27, Morioka teaches information related to location indicating coordinates of the emitter (par. 165, line 7; i.e. latitude and longitude).

Allowable Subject Matter

4. Claims 4-12, 17-23, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 28-30 are allowed.

Response to Arguments

6. Applicant's arguments filed on 4/11/07 have been fully considered but they are not persuasive. The applicant argues that Avery does not teach signal monitor measuring the signal strength of first packet transmitted by an emitter. However, the examiner respectfully disagrees. Avery teaches measuring the signal strength of radio units sending packets (signals) by their transmitters, emitting signals or emitters (Figure 1, # NIU1, depicts monitoring measurements or signals; Figure 1 # 1, M1, and par. 6, lines 1-26, par. 7, lines 1-15, pars. 8-9).

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Hence, giving its broadest and reasonable interpretation, Avery teaches first monitor for measuring the signal strength, RSSI, sent by an emitter.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez
Examiner
Art Unit 2617

7/7/07
JP



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